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10/570,646	03/03/2006	Tero Hakala	915001078	2981

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EXAMINER
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BETIT, JACOB F

ART UNIT	PAPER NUMBER
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2164

MAIL DATE	DELIVERY MODE
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09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/570,646

Applicant(s)

HAKALA ET AL.

Examiner

Jacob F. Bétit

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/3/06</u>                                                    | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-26 and 28-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear from the claims what kind of arrangement is being claimed (i.e., a business arrangement, a hardware arrangement, an arrangement of hardware and software components (a computing system), an arrangement of software components). The claims should be amended to clarify what is meant by an arrangement.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 26 the applicant has provided evidence that the applicant intends the claimed means to be software as such the claim is not drawn to one of the four categories of invention. Software is not a series of steps or acts, but a set of instructions on how to perform those steps or acts. Thus, software is not a process. Software is not a physical article or object and as such is not a machine or manufacture. Software is not a combination of substances and therefor not a composition of matter.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7, 8, 10, 11, 13-19, 21, 22, 24-32, 34, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Abram et al. (U.S. patent No. 6,462,778 B1).

As to claim 1, Abram et al. teaches a method for naming a mobile station picture file, in which picture file there is saved a picture produced by the camera of the mobile station, ~~that~~ the method comprising the following steps:

among the data available in the mobile station, there is searched a given feature associated to the picture (see column 4, lines 12-30, and see column 6, lines 13-56),

of said found feature, there is created a name suggestion that is added in the name suggestion list containing name suggestions for the picture file in order to create said name suggestion list (see column 4, lines 30-58), and

the created name suggestion list is displayed in the user interface, where the picture file name is editable (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 2, Abram et al. teaches wherein in the mobile station, there is searched the date and time information associated to the moment of shooting, a name suggestion is created on the basis of said information, and the name suggestion is added in the picture file name suggestion list (see

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column 4, lines 41-58).

As to claim 3, Abram et al. teaches wherein in the mobile station, there is searched a calendar event that is at a given accuracy associated to the moment of shooting, and in case such a calendar event is found, said calendar event is added as a name suggestion in the picture file name suggestion list (see column 4, lines 31-40).

As to claim 4, Abram et al. teaches wherein in the mobile station, there is searched the file name of the previously saved picture file, and it is added as a name suggestion in the picture file name suggestion list (see column 4, lines 45-47).

As to claim 5, Abram et al. teaches wherein in the mobile station operational profile and settings, there is searched data associated to the picture according to certain criteria, and said data is used for creating a name suggestion in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 7, Abram et al. teaches wherein there is searched the location information of the mobile station, and on the basis of said location information, there is created a name suggestion to be added in the picture file name suggestion list (see column 6, lines 13-56).

As to claim 8, Abram et al. teaches wherein in the mobile station, there is searched a name suggestion defined by the user, and said found name suggestion defined by the user is

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added in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 10, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is chosen among the displayed name suggestions by pointing one or several of them (see column 4, lines 12-58).

As to claim 11, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is created by editing the picture file name suggestion (see column 4, lines 12-30).

As to claim 13, Abram et al. teaches wherein the steps according to the method are performed immediately after the picture to be saved is taken by the mobile station camera (see column 4, lines 3-11).

As to claim 14, Abram et al. teaches wherein the steps according to the method are performed on the basis of a previously saved picture that is already stored in the memory of the mobile station and contained in a picture file (see column 4, lines 3-11).

As to claim 15, Abram et al. teaches an arrangement for naming a picture file containing a picture produced by a mobile station camera, said arrangement including:

means for searching a given feature associated to the picture from a data available in the mobile station (see column 4, lines 12-30 and column 6, lines 13-56),

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means for creating a name suggestion on the basis of said searched feature (see column 4, lines 30-58),

means for adding the created name suggestion in the name suggestion list of the picture file and hence means for creating said name suggestion list (see column 4, lines 30-58),

means for displaying the created name suggestion list in the user interface, and means for editing the picture file name in the user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 16, the applicant is referred to the citations for claim 2 above.

As to claim 17, the applicant is referred to the citations for claim 3 above.

As to claim 18, the applicant is referred to the citations for claim 4 above.

As to claim 19, the applicant is referred to the citations for claim 5 above.

As to claim 21, the applicant is referred to the citations for claim 7 above.

As to claim 22, the applicant is referred to the citations for claim 8 above.

As to claim 24, the applicant is referred to the citations for claim 10 above.

As to claim 25, the applicant is referred to the citations for claim 11 above.

As to claim 26, Abram et al. teaches wherein said means are software means (see column 2, lines 44-54).

As to claim 27, Abram et al. teaches a computer program product for naming the picture file recording a picture taken by a mobile station camera, said computer program product

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including computer-readable instructions embodied in a computer readable medium that upon execution in a computer implement the steps of:

a given feature associated to the picture from the data available in the mobile station (see column 4, lines 12-30 and column 6, lines 13-56),

adding the searched feature in the picture file name suggestion list and hence for creating said name suggestion list (see column 4, lines 30-58),

displaying the created name suggestion list in the user interface (see column 4, lines 30-58), and

editing the picture file name in the user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 28, Abram et al. teaches an arrangement for naming a picture file containing a picture produced by a mobile station camera, said arrangement including a control unit, which control unit is arranged to:

search a given feature associated to the picture from a data available in the mobile stationsee column 4, lines 12-30 and column 6, lines 13-56),

create a name suggestion on the basis of said searched feature (see column 4, lines 30-58),

add the created name suggestion in the name suggestion list of the picture file and hence create said name suggestion list (see column 4, lines 30-58),

display the created name suggestion list in a user interface (see column 4, lines 41-58 and see column 6, lines 38-56), and



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receive an edited picture file name from said user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 29, the applicant is referred to the citations for claim 2 above.

As to claim 30, the applicant is referred to the citations for claim 3 above.

As to claim 31, the applicant is referred to the citations for claim 4 above.

As to claim 32, the applicant is referred to the citations for claim 5 above.

As to claim 34, the applicant is referred to the citations for claim 7 above.

As to claim 35, the applicant is referred to the citations for claim 8 above.

As to claim 37, the applicant is referred to the citations for claim 10 above.

As to claim 38, the applicant is referred to the citations for claim 11 above.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Matsumura et al. (U.S. patent No. 6,222,583 B1).

As to claim 6, Abram et al. does not distinctly disclose wherein the picture to be saved is processed by an image recognition algorithm of the mobile station in order to produce a picture

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file name suggestion by means of the features recognized in the picture, and that the produced name suggestion is added in the picture file name suggestion list.

Matsumura et al. teaches this, see column 3, lines 16-27. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Matsumura et al. because these teachings would identify objects within the images taken that can be individually accredited to the image.

As to claim 20, the applicant is referred to the citations for claim 6 above.

As to claim 33, the applicant is referred to the citations for claim 6 above.

Claims 9, 12, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Fukahori (U.S. patent No. 6,469,698 B2).

As to claim 9, Abram et al. does not distinctly disclose wherein the name suggestions contained in the created picture file name suggestion list are arranged in an order of priority according to certain predetermined priority rules, so that the name suggestion with the highest priority is arranged first in the name suggestion list, and that the first name suggestion of the name suggestion list is set as the default name of the picture file in the user interface.

Fukahori teaches this, see column 9, lines 4-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would give an order to multiple possible choices to be selected.

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As to claim 12, Abram et al. does not distinctly disclose wherein the steps according to the method are performed in the mobile station before taking the picture, to be later saved, by the mobile station camera.

Fukahori teaches this, see column 8, line 55 through column 9, line 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would allow the user to select a title once for one series of pictures removing the redundant selection ever time a new picture is taken.

As to claim 23, the applicant is referred to the citations for claim 9 above.

As to claim 36, the applicant is referred to the citations for claim 9 above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on the attached form PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. B  tit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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jfb

14 Sep 2007

A handwritten signature in black ink, appearing to read "C. Rones". The signature is fluid and cursive, with the first name "Charles" and last name "Rones" clearly distinguishable.

CHARLES RONES  
**SUPERVISORY PATENT EXAMINER**